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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059235
Party	Plaintiff Nite Ize, Inc.
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Submission	Motion for Summary Judgment
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Signature	/RPZ/
Date	01/21/2015
Attachments	SubmissionswithMotionforSummaryJudgement.pdf(88367 bytes ) ExhibitN.pdf(3031189 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 4179235  
Mark: NITEYE

_____	)	
NITE IZE, INC.,	)	
	)	
Petitioner,	)	Cancellation No. 92059235
	)	
v.	)	
	)	
ZHANGWEI MO,	)	
	)	
Respondent.	)	

MISCELLANEOUS LETTER

Petitioner Nite Ize, Inc. ("Petitioner" or "Nite Ize"), through undersigned counsel, submits the following 11 separate submissions as split out below due to the 6MB restriction on filings.

<u>Submission</u>	<u>Contents</u>
1	Motion for Summary Judgement Declaration of Clint Todd Exhibit A through Exhibit E
2.	Exhibit F1
3.	Exhibit F2
4.	Exhibit G through Exhibit M
5.	Exhibit N
6.	Exhibit N1
7.	Exhibit N2
8.	Exhibit O
9.	Exhibit O1
10.	Exhibit O2
11.	Exhibit O3

Dated January 21, 2015

Respectfully submitted,  
SQUIRE PATTON BOGGS (US) LLP

By:



\_\_\_\_\_  
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2550 M Street, NW  
Washington DC 20037  
Telephone: 303-894-6330  
Fax: 303-894-9239  
Attorneys for Petitioner

## **CERTIFICATE OF SERVICE**

The undersigned certifies that on this 21st day of January 2015, a copy of the foregoing documents listed in submissions 1-11 was served by e-mail and by first class mail to the following:

P. Jay Hines  
Muncy, Geissler, Olds & Lowe P.C.  
4000 Legato Road, Suite 310  
Fairfax, Virginia 22033  
E-mail: [jh@mq-ip.com](mailto:jh@mq-ip.com)

/Theresa Cope/

## The Gear Nuts

### **Exhibit N**

Nuts about gear!

## Nite Ize – BugLit LED

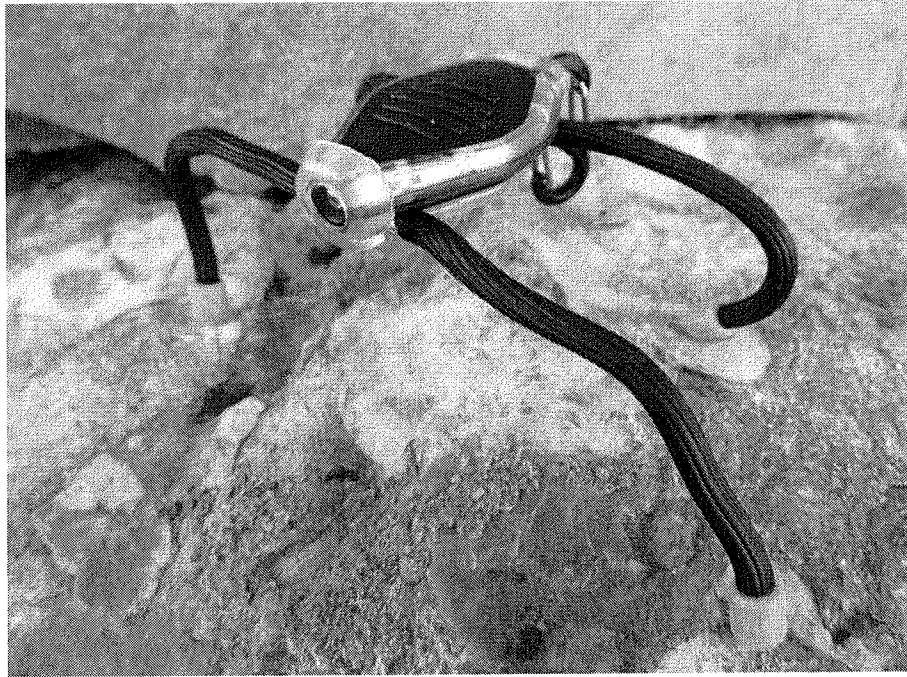
October 20, 2014 · by Mixed Nuts Captain · in Headlamps, Lights, Little Adventures, The Gear.

i

2 Votes

As parents and outdoor athletes we know that lighting is a crucial part of every adventure, especially when children are involved. We set out to find a light that was perfect for both and when we found it our “Little Adventure” testers loved this just as much as we did, and maybe more. That’s why we are excited to have the entertaining opportunity to bring you the fun and functional Nite Ize BugLit (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FBugLit.asp>).





(<https://thegearnuts.files.wordpress.com/2014/10/picture5-305.jpg>)

The BugLit (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FBugLit.asp>)'s body itself is none other than the INOVA Microlight (<http://www.niteize.com/product/INOVA-Microlight.asp>), a small flashlight encased in a durable poly-carbonate plastic housing that runs on 2 easily replaceable 2016 3V Lithium batteries. Nite Ize (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com>) has designed this little bugger with some serious power, the bright white LED has an effective range of up to 50 feet, and one-mile visibility which is incredible for the size. The high setting is 6 lumens with a 10 hour run time, the low setting is 1 Lumen with a 22 hour run time.

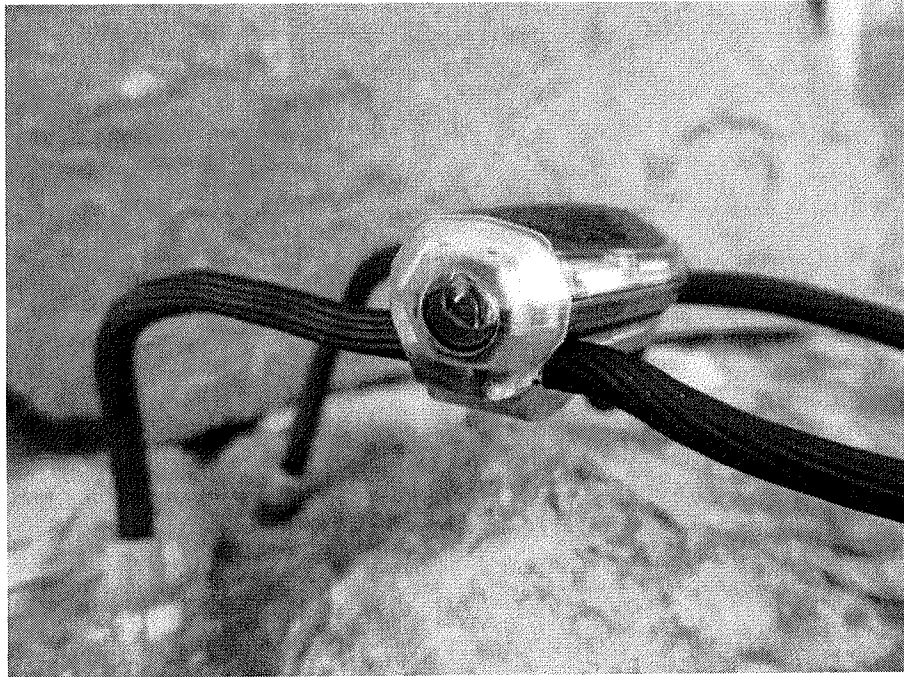
Nite Ize (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com>) has designed the BugLit (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FBugLit.asp>) to have four different modes, a feature that you don't often find in lights of this size. We think it's very important to have a strobe or signal mode on every light not matter what size. You never know when you might need that function.

**Press once for high power.**

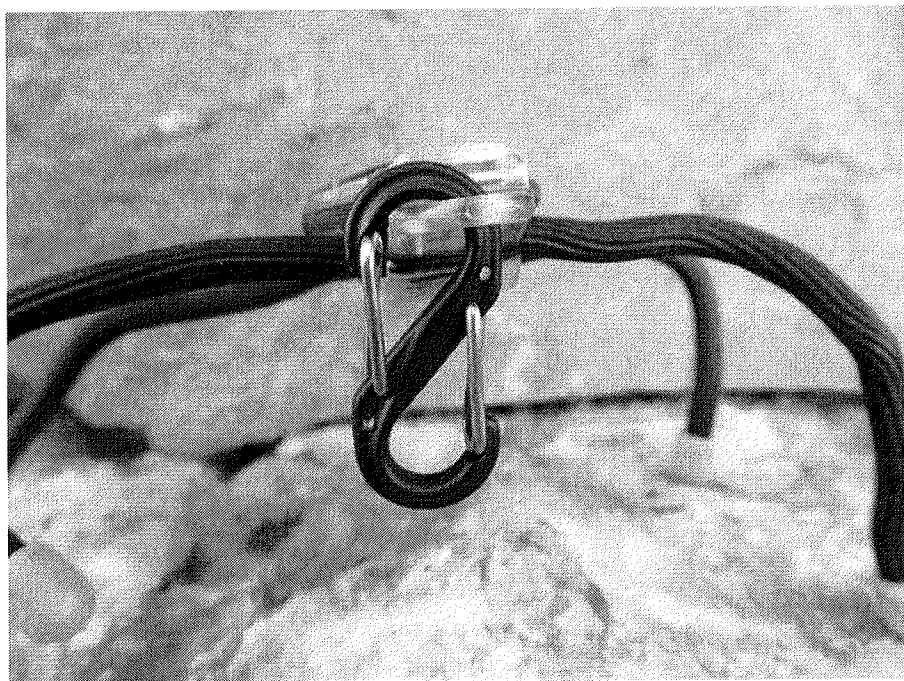
**Press twice for low power.**

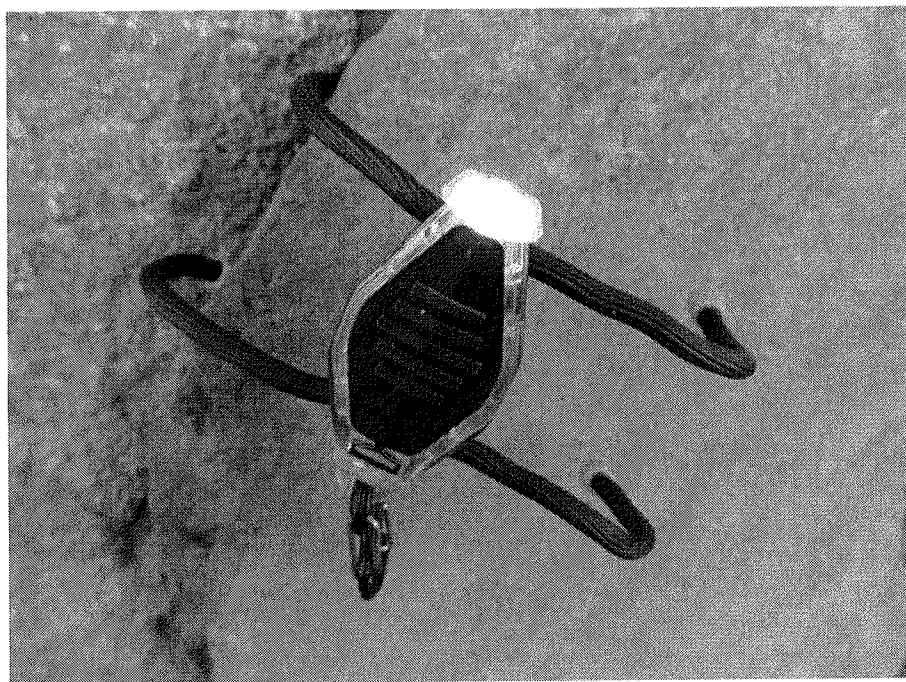
**Press three time for strobe mode.**

**Press and hold the button for 5 seconds in strobe mode to change to signal mode.**



The legs are made of two flexible, fully mold able 6" Nite Ize Gear Ties (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FGear-Tie-6.asp>), which you can bend, wrap, twist or configure to sit, stand, store, or direct the flashlight. This allows the BugLit (<http://www.niteize.com/product/BugLit.asp>) to sit, stand, stay, or shine wherever you need it and deliver compact & convenient illumination. During this test we tried everything to bend the Gear Ties (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FGear-Tie-6.asp>) to their limits, after weeks of heavy abuse and twisting they were still going strong.





The 6" Nite Ize Gear Ties (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FGear-Tie-6.asp>) that are paired with BugLit (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FBugLit.asp>) are made with a tough rubber shell that provides excellent grip virtually anywhere, but won't leave a scratch or mark. During our tests we used the light on a variety of different surfaces and textures to see if it made a difference and it performed the same for all of them. The 6" Nite Ize Gear Ties (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FGear-Tie-6.asp>) also feature a strong internal wire that holds its shape and is very quick and easy to securely attach and detach. Not to mention they're UV resistant and will not be damaged by extended sun exposure.

One of our "Little Adventure" testers favored using the BugLit (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FBugLit.asp>) as a Zipper pull. We were pleasantly surprised at how durable the S-Biner (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FS-Biner-Plastic.asp>) was and that the legs stayed exactly where they put them, even through some serious back country bushwhacking and little hands.



We know you've heard it from us before but versatility is one of the most important things when looking at gear. We found that due to the 6" [Nite Ize Gear Ties](http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FGear-Tie-6.asp) (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FGear-Tie-6.asp>) you are able to shape and bend them in a wide variety of positions making this little [Buglit](http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FBugLit.asp) (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FBugLit.asp>) very useful and versatile. We wanted to show you all the things we could do with this little light but we became overwhelmed because the options really are endless. However, we did love that it attached to our bike's handlebars as you see below.





The Buglit (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com%2Fproduct%2FBugLit.asp>) is available with a high visibility White LED and a variety of fun color options to choose from. They even offer two tactical colors that are great for outdoorsmen or military personnel.

Bottom line is this is a functional light that is fun for everyone. We think this is a must have for every Little Adventurer and is well worth the \$13 price tag, so head over to <http://www.niteize.com> (<http://www.avantlink.com/click.php?tt=cl&mi=12369&pw=176278&url=http%3A%2F%2Fwww.niteize.com>) and check out their extensive selection of innovative products. They have something for everyone. You can also stay up to date on all new products by following them via social media at Twitter (<https://twitter.com/niteize/>), Instagram (<http://instagram.com/niteize/>), and Facebook (<https://www.facebook.com/NiteIze>).

See ya on the trails,  
The Gear Nuts

Tags: children, flashlight, handheld, kids, LED, light

## One response to “Nite Ize – BugLit LED”

1. Coach Levi November 17, 2014 at 3:07 pm · Reply →

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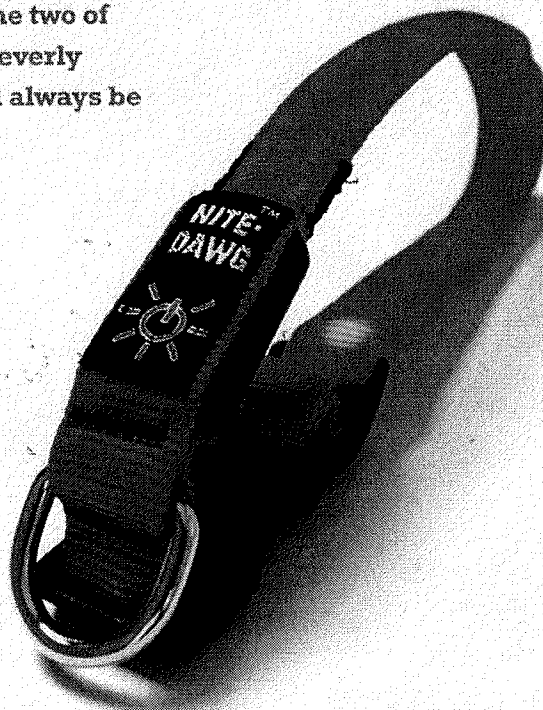


# Illuminating Ideas

Winter's short days and long nights are slowly giving way, and as we move toward spring, we have more hours of daylight to spend with our best friends. However, for many of us, early-morning and early-evening walks are the best we can do during the work week. To increase your dog's safety and visibility as the two of you get your exercise, consider adding one of these cleverly designed products to his walking gear. That way, he'll always be the star of the show!

## Nite Ize [www.niteize.com](http://www.niteize.com)

The Nite Dawg is a bright LED-illuminated collar that can be set for flash or glow mode and comes in three adjustable sizes. \$20



## It's a Dog's Light [www.itsadogslight.com](http://www.itsadogslight.com)

It's a Dog's Lights are small, ultra-bright lights that attach to collars. The Rainbow Strobe flashes, all other colors emit a steady beam. \$5.95



## Atomic Pet [www.atomicpet.net](http://www.atomicpet.net)

ElectroLuminescent technology lights up these bright collars and leashes, making your dog even more visible. There are many colors and designs to choose from, including Stars (shown here), Pawz, Stripes, Bonz, The Chase, and more. \$17.95 collars \$22.95 leashes



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## GADGET QUEST

Words and wisdom from the prophet of product.

The way-too-big Consumer Electronics Show in Las Vegas (it takes up four convention centers!) is far from a boat show. But with 2,700 manufacturers showing 35,000 gizmos and gadgets, there are plenty that work just fine for boaters. Plus electronics manufacturers like Garmin, Uniden, Cobra, Magellan and others who produce gadgets for a broad range of categories, have a big presence at the show.

Speaking of Garmin, it has added two new units to its popular Rino line, which offers two-way radio communication combined with GPS. That means not only can you chat with a buddy up to about 14 miles away, but if you're both using the built-in location-reporting feature, your spot will show up on his Rino unit and his location will show up on yours. The units are ruggedly built and the two new top-of-the-line models—the 520 and 530—feature full-color screens.

In addition to being a two-way radio and a

full-featured GPS, the Rino 530 has an electronic compass, barometric altimeter and a NOAA weather receiver. It's also capable of receiving NOAA alerts, which is important if you're out on the water and not aware that bad weather is moving in your direction.

Garmin's optional MapSource software adds information on lakes, boat ramps, etc. For off-the-boat use, a rechargeable lithium-ion battery can power the unit for up to 16 hours. The Rino 530 is water-resistant and priced at about \$500. You can check out the features of the five-model Rino line at [www.garmin.com](http://www.garmin.com).

ICP Solar was featuring its high-output Sunsei solar chargers. By fast-charging your deep-cycle batteries, a solar charger can let you enjoy extended time at anchor without worrying if there will be enough power to restart the engines.

It can keep your batteries up as you power your radio, GPS, depthfinder, navigation system, bilge pumps, laptop, DVD player, VHF, flat-screen TV, high-powered sound system and cabin lights. (It's fun roughing it on the water, isn't it?) And right now sun power is still free because no utility company has found a way to put a meter on its output.

ICP Solar also says that its Sunsei line is ideal to keep batteries at full charge while the

## DICK'S PICKS

## ROCK STAR

Oakley, famous for its precision sunglasses, started the Thump line, a combination of its high-tech sunglasses and a miniature built-in MP3 player. Now it has introduced a higher-tech model, the Thumpz. I tried a pair and not only did it make me look trendy, it offered impressive music playback.

The new design lets you listen to more of your favorite tunes because it offers memory storage up to 1 GB, which is roughly 240 songs. I like the design because the MP3 player is fully integrated so there are no dangling cords. There are 256 MB and 512 MB versions too, but because everything is built into the frame, you can't add additional memory.

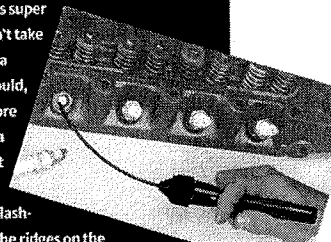
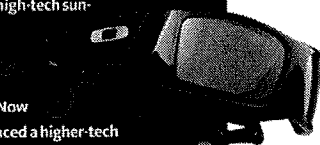
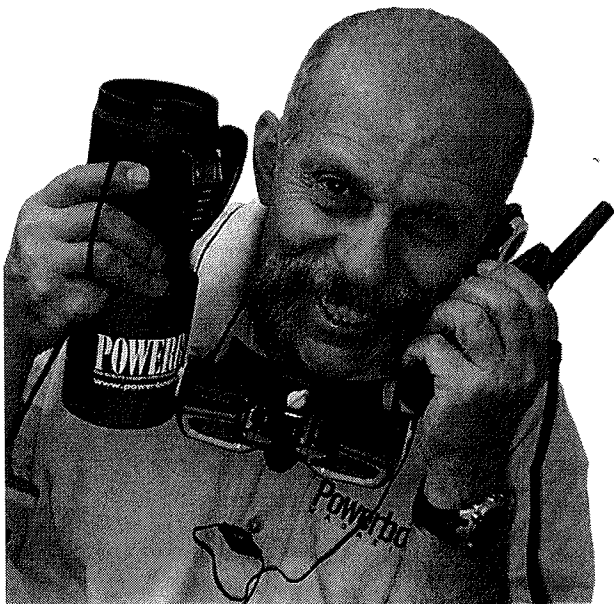
On a single charge you'll get up to six hours of playback time and a three-color indicator light lets you keep track of the battery level. Prices range from about \$300 to \$450. Visit [www.oakley.com](http://www.oakley.com).

## FLASH OF LIGHT

Here's a neat gizmo for those times when you wish you could bend your flashlight to shine the beam in an almost inaccessible spot. Nite Ize, as in "night eyes" makes Fiber Optic Adapters that allow you to turn almost any mini-flashlight into a light-bending torch. Lock one of these adapters over the flashlight lens and you can illuminate the smallest area.

There's another advantage too. Since the adapter is super thin, it doesn't take up the space a flashlight would, so there's more room to use a tool in a tight area. And if you put the flashlight down, the ridges on the flexible cap design prevent it from rolling.

The Fiber Optic Adapters are made in two diameters to accommodate most AA- and AAA-size flashlights. They're available in 4.5-, 7- and 20-inch lengths. Costs range from about \$6 to \$9. See [www.niteize.com](http://www.niteize.com).



SUMMER DOUBLE ISSUE

11 Instant Weekend Escapes



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MOVING TO  
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BACKROADS  
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10 DAYS IN  
BRAZIL

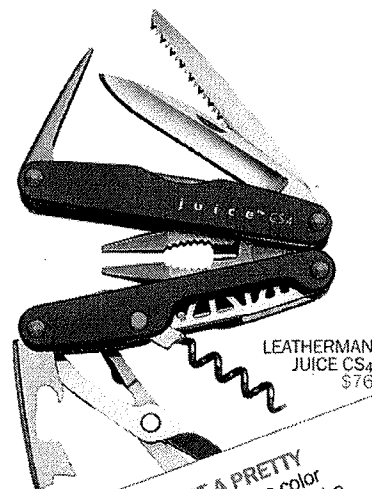
# Hit the Deck

A sophisticated skateboard, a novel knife, and beachwear built just for you—summer's splash hits BY STEVE CASIMIRO

SECTOR 9  
BAMBOO CONCAVE PINTAIL  
\$170

**HAUTE WHEELS** The very word "skateboard" smacks of adolescence, but four-foot longboards such as the **Sector 9 Bamboo Concave Pintail** (\$170; [www.sector9.com](http://www.sector9.com)) aren't the curb-grinding short-bed rides you see on ESPN2. Those tricks are for kids. The extended, sweeping turns of longboards are for style mavens, speed junkies, off-season snowboarders, and anyone else looking to carve—adults, in other words.

Stretched out and comfortable like a Caddie limo, the seven-ply bamboo deck tames the summer asphalt, trading shortboard maneuverability for high-speed stability and the drawn-out grace of a surfer's longboard—just what you want whether you're bombing down a mountain pass or cruising the neighborhood on a summer evening. Its 75a durometer wheels are on the softer end of the urethane spectrum, so you can lean into a 30-mph turn with the confidence that they won't lose their grip. And with 46 inches of concrete carvability, this board is big enough for a party of two.

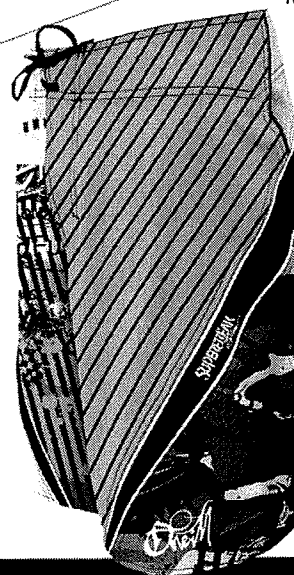


LEATHERMAN  
JUICE CS4  
\$76

**MORE THAN JUST A PRETTY BLADE** Don't let the festive color and corkscrew fool you into thinking the **Leatherman Juice CS4** (\$76; [www.leatherman.com](http://www.leatherman.com)) is a besotted wastrel of a multitool. With a high-perfect combination of saw, scissors, pliers, can opener, screwdrivers, wire cutter, and wickedly sharp blade, this five-and-a-half-ounce device is as tough as any hunk of silvered steel.

**DIY DUDS** Guys don't want to hit the beach looking like the Bobsey Twins. Avoid the affront with **O'Neill's Superfreak Custom Series trunks** (\$80; [www.oneill.com](http://www.oneill.com)). Run wild and personalize the colors, prints, logos, and piping on every inch, but be forewarned: Fashion sense is not included. Whatever you create, stretchy neoprene panels and a 22-inch outseam make these the most comfortable boardshorts ever.

O'NEILL  
SUPERFREAK  
TRUNKS  
\$80



## THE DOWNLOAD

Our indomitable (and slightly obsessive) gear guru taps into this month's buzz

I've never been so entertained in the backcountry as the night I played Frisbee—er, flying disc—with the **Nite Ize Flashlight** (\$22; [www.niteize.com](http://www.niteize.com)), a 185-gram light-up disc. Twenty-two bucks well spent. // At 0.45 ounces, the **Titanium Inka Pen** (\$90; [www.inkacorp.com](http://www.inkacorp.com)) weighs only slightly more than the paper on which it writes. But its ability to scribble at high altitudes, underwater, and even upside down makes this scrawler the heavyweight champ of pens. // I'm a big fan of the iPod trade-in program at **Small Dog Electronics** ([www.smalldog.com/wag13041](http://www.smalldog.com/wag13041)). It's painless, easier than eBay, and will net me about \$120 for my old 40GB pod. —S.C.





**Exclusive: With the Troops in Iraq and Afghanistan**

**Special Issue**

# **U.S. News** & WORLD REPORT

JULY 3-10, 2006

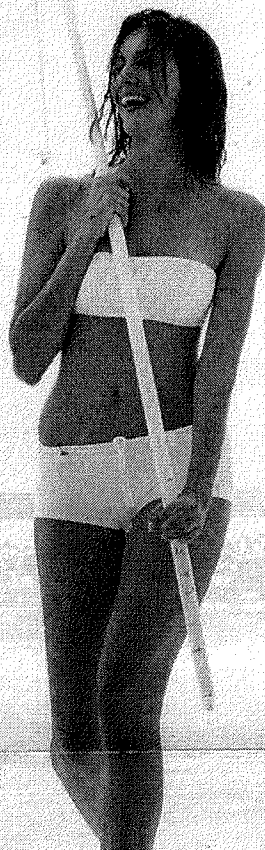
## **Secrets to a STRESS-FREE SUMMER**

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- And more!**

**Plus:**

**Dave Matthews, Bob Vila,  
Newt Gingrich, and  
Lemony Snicket share their  
tips for a super summer**



slipping cameras on and off the top using magnets (safe around film and digital memory) with a safety clip as backup.

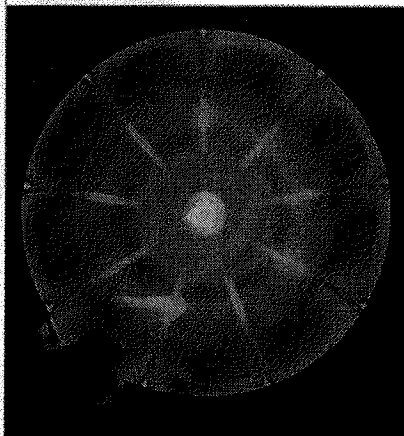
And how about a barbecue grill in your back pocket? The **Grilliput** (\$30, [can.dlelantern.com](http://can.dlelantern.com)) is a stainless-steel grill that assembles in minutes and stores in one small tube, about 11 inches long. The partner **FireBowl** (\$13, out later this summer) can pack the charcoal when cold, and keep it contained when hot. At the same website, check out the **Light My Fire** outdoor meal set (\$22), which puts an end to boring, aluminum mess kits with colorful, durable plastic dinnerware. Added bonus: The set floats!

After dinner, lie back in the **Comfort-Lite** lounge (\$100, [brookstone.com](http://brookstone.com)). The colorful chair folds up for easy toting, at only 7 pounds, and has a convenient carrying strap.

When the fire dies down, you can slip into the warmth of the **Marmot Atom** sleeping bag (\$250, [marmot.com](http://marmot.com)). The Atom is one of the lightest bags out there—1 pound of down and nylon. But it'll keep you warm in temperatures as chilly as 40 degrees (the chili-red color must help a little). For a final touch, plop your tender head on a soft **Contour Travel Pillow** (\$50, [cocoonausa.com](http://cocoonausa.com)). It stuffs into a small traveling bag, but its memory foam bounces back to a comfy curve. Sleep well, for in the morning comes breaking camp—and the 30-second task of folding away that two-second tent. That is, if you've studied the instructions and watched the film on the website. Or maybe your kids can figure it out. —David LaGesse

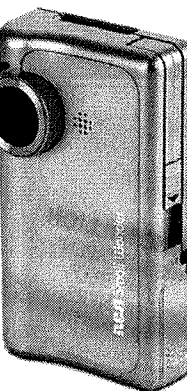
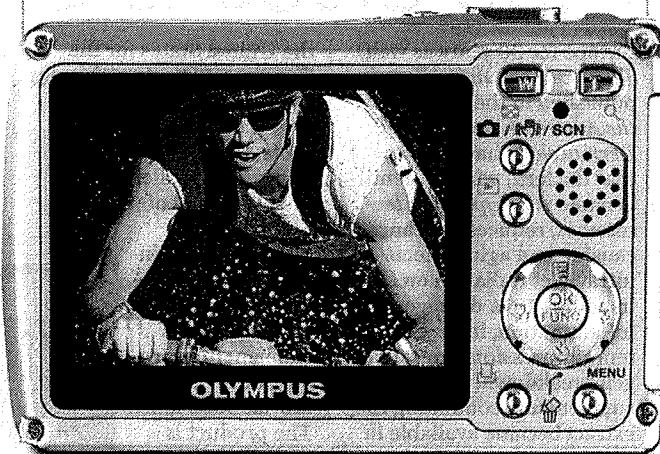
## Tech to the Rescue

**H**aving wandered deep into the woods, I turn to my wristwatch—not for the time but for directions. New electronic gear can ease your ventures, from tracking routes in the deep forest to keeping in touch with friends. More on these and other tech devices at [usnews.com/davesdownload](http://usnews.com/davesdownload). —D.L.

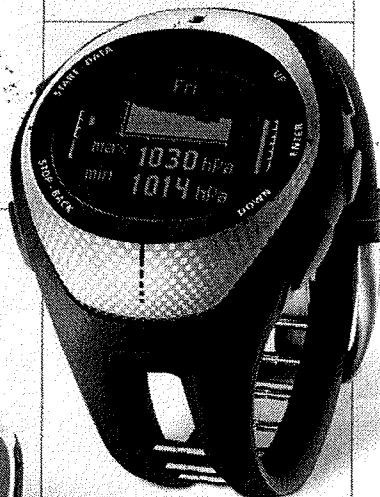


**FLASHFLIGHT, JR.** (\$13, [flashflight.com](http://flashflight.com)). Kids, join the after-dark Frisbee crowd with the soft-edged, 8½-inch-diameter disk, lit by fiber optics and LEDs. The smaller Flashflight mini (\$9) fits in a back pocket!

**SIDEKICK 3** (\$300 with service plan). The T-Mobile device gains an MP3 player, high-speed Web browsing, expandable memory, and wireless headset connections. All this in a smaller, rounder package that, like its predecessors, focuses more on messaging than phoning. It retains its generous QWERTY keyboard, which makes it too bulky for pockets.



**PURE DIGITAL POINT & SHOOT** (\$130). Digital video-making is simpler than ever with this push-button-easy device, aka the RCA Small Wonder. Software shrinks its videos for sending via E-mail. Just don't expect big-screen image quality.



**SUUNTO X9i WATCH** (\$500, [suunto.com](http://suunto.com)). No two-way radio, but it's got perhaps the smallest GPS receiver sold, an altimeter, barometer, compass, and PC connectivity—if you can master its buttons and menus.

**OLYMPUS 720SW** (\$400). Follow your kids under the waves and then continue snapping with this camera, which can capture serene scenes as deep as 10 feet down. The 7-megapixel digital cam can also withstand a 5-foot fall, in or out of water.

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# HIGHWAYS

NOVEMBER 2006

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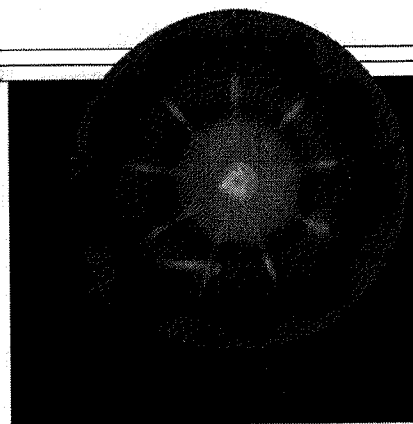
## BAYOU BOUND

RV LOUISIANA'S CREOLE NATURE TRAIL



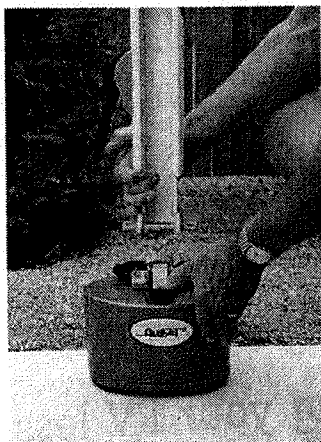
## Disc-O Flying Disc

This groovy Disc-O flying disc will have you laughing and having a great time well into the night. And its groovy multicolored LED is sure to be a hit among adults and kids alike. The Disc-O contains a microprocessor that cycles through the color spectrum creating a continuous light show. This long-flying disc utilizes an ultra-bright LED fiber-optic array illuminating the entire disc from every angle. The innovative design provides optimal balance and stability. Weighing 185 grams, the Disc-O is water resistant and floats. The easy-to-use switch simply rotates clockwise to turn the disc on night mode. The suggested retail price is \$25 for the large disc; the mini disc retails at \$9.99 and the junior disc retails at \$15.99. **Good Sam member Jack Wifladt from Bakersfield, Calif.**, tested the product and says, "A classic Frisbee but with a light — the kids loved it." Nite Ize Inc., 5660 Central Ave., Boulder, CO 80301; 800-678-6483; [www.niteize.com](http://www.niteize.com).



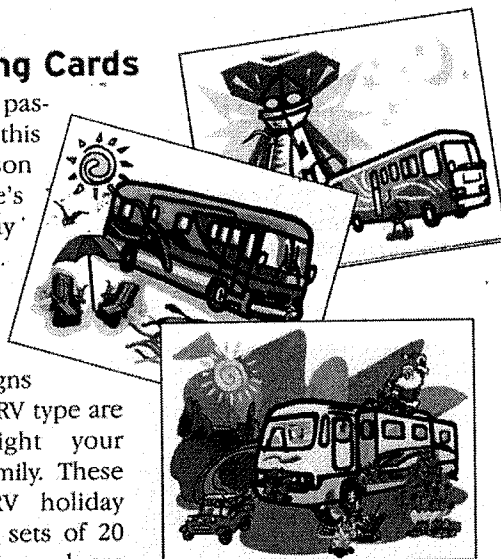
## Allset RV Awning

We have all seen it. A gust of wind and the awning starts to sway. Now with a set of these awning hold-downs you will feel secure no matter what the wind speed. The versatile self-contained flip-over base has one dimpled side for skid resistance on concrete, asphalt and other hard surfaces. Flip the base plate over to the cleated side for extra hold in sand, turf, soft dirt and other porous ground. Easy set up and quick take down. Unlimited lifetime warranty on all parts. The suggested retail price of \$258.99 is for sets of two. **Harland Nash, a Good Sam product tester from Moreno Valley, Calif.**, says, "Great concept, especially for long-term stays." AllSet RV Systems, 300 N. Budweiser Circle, Payson, AZ 85541; 928-472-9282; [www.allsetrv.com](http://www.allsetrv.com).



## RV Greeting Cards

Share your passion for RVing this holiday season with Roadabode's unique holiday greeting cards. Vivid colors, heavy card stock and exclusive designs featuring your RV type are sure to delight your friends and family. These high-quality RV holiday cards come in sets of 20 cards/envelopes and are priced at \$11.95. Also don't miss the whimsical, fun and functional everyday, blank-inside RV notecards or an assortment of 12 all-occasion RV notecards in the RV of your choice. Free shipping on orders more than \$20. **Wayne Carr, a Good Sam member from Central Point, Ore.**, tested the product and says, "The different RVs on the cards are great. Other RVers loved them." Roadabode Productions; 702-460-9863; [www.roadabode.com](http://www.roadabode.com).



## Pop-A-Bag Hanger

Now you can create a wastebasket anywhere with the Pop-A-Bag Hanger. This is a great way to reuse your plastic grocery bags and save money on trash bags. Install inside a cabinet door, on a wall or workbench area. Pop-A-Bag Hanger comes with double-sided tape for easy installation. **Jeanne Baber, a Good Sam product tester from Fort Myers, Fla.**, says, "Saves space and can be put in any convenient place." Camco Manufacturing Inc., 121 Landmark Drive, Greensboro, NC 27409; 800-334-2004; [www.camco.net](http://www.camco.net).

GIANT DOUBLE ISSUE

# FIELD & STREAM

THE WORLD'S LEADING

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BY DAVID E. PETZAI

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